

NEWS RELEASE

FEDERAL TRADE COMMISSION

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FTC ISSUES REBUTTAL OF TOBACCO INSTITUTE CHARGE

By letter dated March 5, 1969 the Commission had released test results of the tar and nicotine yields of domestic varieties of cigarettes and a comparison of these results with results released on October 15, 1968. The comparison indicated that of 46 varieties registering statistically significant changes in tar content, 32 increased and only 14 decreased from the earlier period and that of 79 varieties registering changes in nicotine content, 78 increased and only 1 decreased.

On March 11, 1969, The Tobacco Institute, Inc., a trade association for a number of cigarette manufacturers, charged that the October results were not comparable to the March results on the ground that monitor cigarettes used in March 1969 registered increased nicotine yields over those used in October 1968.

Today the Commission with Commission MacIntyre abstaining transmitted identical letters to Senators Magnuson and Moss and to Congressman Staggers replying to Tobacco Institute charges. The Commission assured the Congressmen that its October 1968 and March 1969 test results are comparable and in no need of adjustment.

The Commission attributed the Tobacco Institute charge to an erroneous assumption by the Institute that the same monitor cigarettes were used in both tests. In fact, a different monitor with a higher nicotine yield was used during the more recent test at the request of and with the knowledge of laboratory personnel employed by the Institute. These monitors were supplied by the Institute. The Commission noted that the Institute itself apparently admits that tobacco crops going into cigarettes tested in October 1968 were lower in nicotine than the crops going into cigarettes tested in March 1969.

The Commission indicated that the function of a monitor is to provide a continuing check on the normal operation of the testing process. It does not enter into the actual determination of nicotine or tar yields of other cigarettes tested. The nicotine level of a given monitor is irrelevant so long as it is consistent throughout the test, thereby reflecting the normal operation of the testing process.

Monitor cigarettes are specially prepared cigarettes consisting of a highly uniform blend of tobacco. Because of this uniformity or near uniformity, they should, when tested under the same conditions, give uniform or nearly uniform results. When nearly uniform results are not obtained, then the possibility exists that something is wrong in the testing process, in which case the process should be halted and checked until uniform monitor test results are again attained.

The smoking machine used by the Commission's laboratory contains 20 ports and usually tests five cigarettes per port for a total of 100 cigarettes each time operated. At least three of these ports are always used to smoke monitor cigarettes as a check on the testing process. As stated, the Commission's laboratory obtains its monitors from the Tobacco Institute's laboratory. Both laboratories use the same monitors.

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During the testing culminating in the Commission's October report, a monitor designated "No. 10", manufactured by R. J. Reynolds Tobacco Company, was used. Before and throughout the testing period, this monitor averaged 1.22 milligrams of nicotine. During Commission testing leading to its most recent report on tar and nicotine, a different monitor, designated "No. 11", manufactured by the American Tobacco Company, was used. Before and throughout the testing period, this monitor averaged 1.33 milligrams of nicotine.

Prior to commencement of the most recently concluded test round, No. 11 monitors were smoked in the Commission's laboratory and the results were compared with those obtained by the Tobacco Institute's laboratory. The nicotine content of the No. 11 was established thereby to be 1.33 milligrams. During the ensuing round of testing, the Commission's laboratory could have continued to use the No. 10 as a monitor, in which case 1.22 milligrams of nicotine would be the benchmark and variation therefrom would give warning. Instead, at the request of the Tobacco Institute's laboratory, the Commission's laboratory used a new monitor which happened to contain more nicotine, the No. 11, and 1.33 milligrams of nicotine thereby became the new benchmark. Had the No. 11 yielded either more or less nicotine than 1.33 milligrams during the test round, this would have constituted a warning that possible errors in the testing process were occurring. However, the No. 11 monitor averaged 1.33 milligrams of nicotine throughout the test, thereby corroborating the accuracy of the results.

In relating this information, the Commission noted that it took fully a year to establish its cigarette testing laboratory during which time the full cooperation of the cigarette industry was received. The laboratory was equipped with the latest and best machinery available, including a smoking machine developed and perfected by tobacco company scientists.

The Commission's laboratory is operated by chemists and technicians for scientific and technical purposes only. It has received the compliments of the highest officials of the Tobacco Institute who rate it as good as any in the country, including their own. These same officials have expressed complete confidence in the scientific and technical personnel who operate the Commission's laboratory.

The laboratory has always operated under the procedures announced on August 1, 1967. The Commission's only previous comment on overall levels of tar and nicotine yields was made in its June 30, 1968 Report to Congress and that comment was favorable to industry.

The Commission expressed the view that it would welcome the opportunity to announce lower overall levels of tar and nicotine if such were the fact. It noted that while it has made available to The Tobacco Institute copies of all data underlying its published tar and nicotine results that have been requested, the Institute has steadfastly refused to supply either the test results or the data underlying them of its own laboratory. The Commission has sought such information since September 16, 1968 and only last week renewed the request.

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